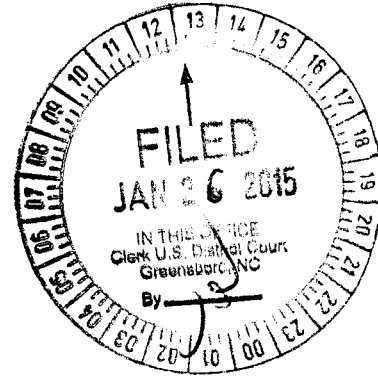


In the United States District Court
For the Middle District of North Carolina
Greensboro Division

Criminal Action No. 1:13-cr-435-1



Defendant, Brian David Hill

v.

Plaintiff,
United States of America

MOTION TO REQUEST A DELAY ON
DESTRUCTION OF PROPERTY

The defendant requests that the court delay destruction of any property in relation to the offense in his case, which includes computer hard drives and equipment while the NOTICE OF APPEAL is in effect. Even in the case of his appeals being exhausted, the defendant still wishes to challenge his conviction through the Writ of Habeas Corpus Petition(2255 Motion) which may require proving actual innocence in order to overturn the defendant's Federal Conviction and Judgment. In any of those cases, the only way to prove actual Innocence is with an independent computer forensic examination on the defendant's hard drive to look for computer viruses and Trojan Horses, evidence of hacking and modification of Windows files which can allow unauthorized computer entry that can allow a hacker to plant child pornography on a hard drive through the internet, any evidence of invalid date/time stamps, and look for signs of any evidence tampering/planting.

Even before the Judgment, Documents #36 that was filed on 09/18/14 and #53 that was filed on 10/29/14 can be construed as a request to the court to allow further computer

forensic examination of the defendant's hard drive for the purposes of finding digital evidence that can exonerate the defendant and clear his name from the criminal conviction. Document #48 was asking both the NC SBI and FBI for a computer forensic examination to help clear the name of the defendant that was charged with possession of child pornography. With all the motions combined should show good cause as to why no property that was used by the prosecution against the defendant(hard drives) should even be destroyed at this point as evidence critical to proving the legal Innocence of the defendant is on those very hard drives that were used only to prove him guilty in a one sided legal battle due to ineffective assistance of counsel.

If the hard drives are destroyed by the United States after the Judgment then this prevents the defendant from ever having a chance to prove innocence as any evidence that could have helped proved actual innocence is destroyed thanks to the conviction. If they have not been destroyed yet, the defendant still wishes to have a court ordered forensic examination of his hard drives to help prove Innocence since the State Bureau of Investigation only intended to look for child pornography and browsing history.

Although I discovered that the NC State Crime Labs create a specific Virus Log

According to document **Digital/Latent Evidence Section, Technical Procedure for Writing Results**

Statements, Effective Date: 10/31/2013, I found on page 1 Paragraph 5.1

Recovered Disc Reporting

Method, that "Item (Item Number) was/were scanned for **threats** using (software) with **definitions**

dated (date). The **virus scan log** is available for review in the **"Recovered\Virus Scan Logs"** folder on Item (Item Number)."

Since there is evidence through the NC Crime Lab's official documentation that they are supposed to keep virus logs, the court needs to examine those virus logs for the purposes of proving the defendant's claim of being framed by a computer virus to be true.

Question is whether they even looked for viruses since the defendant falsely confessed on August 29, 2012. If viruses were found then this may prove that hackers had control of the defendant's computer around the time of the alleged offense. Upon independent forensic examination of the defendant's hard drives it can further be looked into.

However if the Windows computer files were modified to open up a backdoor or multiple backdoors into a computer then child porn files can be planted without a computer virus as long as the vulnerability allows data to be written to a computer. The threat emails from tormail.org on record (See Doc #30, filed 09/10/14, Page 2 & 3) can all prove that the defendant was threatened to shut up and was set up by some kind of computer hacker or computer expert. That evidence making docket further asserts Innocence that the defendant was being threatened by being set up with child pornography. Thus it warrants further examination of the defendant's own computer that the very child porn was found in.

Also Document 53 construes that even though technically the child pornography was found on his computer, he did not put it there, he was not attempting to seek it, and only written his acceptance of responsibility so that he can get time served for acceptance of responsibility. The defendant was framed with the child porn even if technically the government can argue that the defendant had the files on his computer, it doesn't make him guilty since the elements of the crime he was accused of say that he sought the files, and put them on his computer. However in the event it can be proven that a hacker and/or computer virus had open access to his computer, then another person had access at the time and thus the defendant cannot be held responsible for what he doesn't know. The defendant did file multiple complaints with the FBI bringing up about being set up with child porn by a computer virus which can be construed as a valid legal defense under 18

U.S. Code § 2252A(d) Affirmative Defense. So yeah technically according to what the defendant or his family were told by different lawyers that all the U.S. Attorney would have to prove was that files were found on his computer. So that was what the defendant was referring to when he stated his acceptance of responsibility. He wasn't admitting guilt but only taking responsibility for what the hacker did on his computer however that does **not** make him guilty to the fact that he should be a registered Sex Offender since being a victim of files planted on his computer doesn't make him a pedophile, doesn't make him a sex offender, and doesn't prove that the defendant has an interest in children which would warrant the conviction. The defendant has several defenses to the charge in which can grant him his acquittal in a Jury Trial.

The first defense is the affirmative defense under 18 U.S. Code § 2252A(d) which the defendant can prove by all the letters he has copies of that were written to the Federal Bureau of Investigation and the NC State Bureau of Investigation. Especially with the Joy Strickland email (See Doc #45, filed 09/26/14 Page 16) which he requested to be forwarded to SBI Special Agent Rodney White. The defendant providing reports of being set up with child porn can be construed as an affirmative defense as outlined in 18 U.S. Code § 2252A(d)(2)(B) "reported the matter to a law enforcement agency and afforded that agency access to each such image." Therefore even if technically it was found on the defendant's computer, he did not put it there and reported the matter to law enforcement including to the very SBI Agent that informed Mayodan Police that there was enough evidence to indict him however the defendant was able to get the emails to Agent White before his arrest by Homeland Security Agents on December 20, 2013.

The second defense would be that a computer hacker and/or a computer virus set up/framed the defendant with child pornography which was already explained in this

motion already that a independent computer forensic examination can be used for this defense.

The third defense would be that the defendant has suffered Mild Autism for his entire life. People that are autistic or even have Asperger's syndrome (A part of Autism Spectrum Disorder ASD) have no sexual interest in little children when ever caught up in any child porn investigation. The defendant doesn't have the capacity to go and commit crimes and understand the consequences of their actions. It is similar to defense under reason of insanity but there is proof by research and psychiatrists that somebody with autism will never molest a child and should not be convicted on child pornography as doing such can create devastating consequences on the mental health of a person that has ASD. However it doesn't change the fact that somebody whom has autism could still have been tricked into or set up with child pornography. In that case the intent is clear that the Autistic defendant has no intent to sexually exploit a child which proves that the defendant is legally innocent.

The fourth defense would be the defense of an 'Alibi'. A independent forensics computer examination can look into the alibis of the defendant during the time of the alleged offense. In 2012 the defendant had a habit of only taking photos in RAW format. His latest digital camera took .KDC files which are Kodak's RAW photos. The purpose of RAW photos is that the images aren't compressed like with standard JPGs. All KDC files have a EXIF or special metadata that can tell when the photo was taken and what date the photo was taken. The computers that were seized may contain hundreds to thousands of KDC files. That is where one of the proof of alibis are. Since a RAW photo proves the photo was taken by the defendant at a certain specific day and time, the defendant can cross examine all his RAW photos metadata dates and times with the

dates and times of the alleged offense and alleged child porn file timestamps. If any KDC files or even video files from his digital camera prove that he was somewhere else taking photos or videos at a different location(not at home) then the defendant could not have been at the computer downloading child pornography. Also there are other ways to confirm/verify alibis such as hotel stays, receipts from places, alibi witnesses, and other methods that can prove that the defendant was not at his computer at the times the child porn files were on the computer, that means that somebody else would have to have access at the time(hacker, intruder/burglar, etc etc.)

Again they could argue that the defendant still had the files on his computer but crime is all about intent. Did the defendant intended to possess the child porn? Did the defendant have a motive to possess the child porn? Did the defendant even want to possess the child porn? The defendant had to intend to commit a crime to be guilty of it. The defendant cannot just have files planted on him then he has to be a registered sex offender on supervised release then forced to get mandatory sex offender treatment. No crime has been committed if the defendant never attempted to commit the crime.

The defendant was caught up in a huge mess in 2012 after getting involved in local politics. How is it justifiable to force a disabled young man that has no interest in child porn to be a registered sex offender where he can be harassed/discriminated just for being on that registry when he hasn't actually done anything to warrant being on that registry.

For good cause shown, the defendant requests that the court order any delays in the destruction of property. If any of the forfeited property is queued for destruction then the defendant asks that the court delay it until all appeals and that the habeas corpus petition has all been exhausted, since proving the defendant's innocence to the child pornography charge is critical to his due process rights under the Constitution and under law.

Brian D. Hill
Signed

Brian D. Hill (**pro se**)
916 Chalmers St. – Apt. D
Martinsville, VA 24112
Phone: (276)632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing

a true and correct copy of the foregoing

**MOTION TO REQUEST A DELAY ON DESTRUCTION OF
PROPERTY** by deposit in the United States Mail, Postage prepaid,

on January 20, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

Brian D. Hill
Signed

Brian D. Hill (**pro se**) 916 Chalmers St., Apt. D, Martinsville, VA
Phone: (276)632-2599

In the United States District Court
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Defendant, Brian D. Hill

Criminal Action No. 1:13-cr-435-1

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Plaintiff, United States of America

NOTICE OF MOTION TO REQUEST A
DELAY ON DESTRUCTION OF PROPERTY

Comes now defendant and files this request that
his MOTION TO REQUEST A DELAY ON DESTRUCTION OF PROPERTY
be addressed on the papers, without a hearing.

The defendant waives his right to a hearing on this motion.

*Character Statement Attached to use in Jury Trial
upon succesful appeal*

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill (pro se) 916 Chalmers St., Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

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Assistant United States Attorney
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Brian D. Hill

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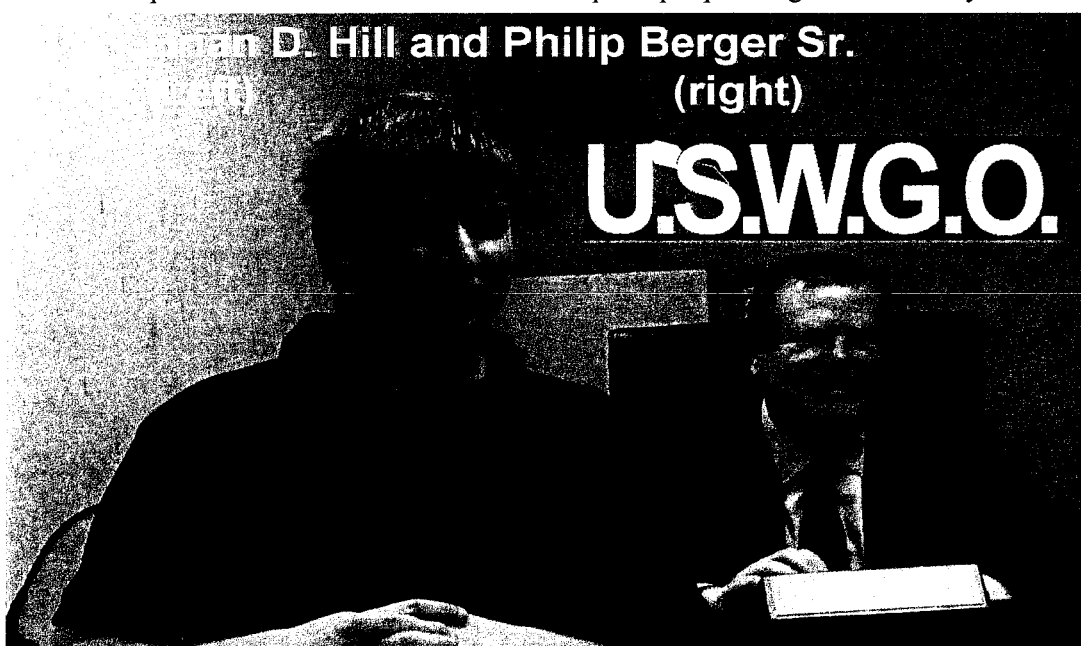
Plaintiff, United States of America

**PRO SE STATEMENT
CHARACTER STATEMENT**

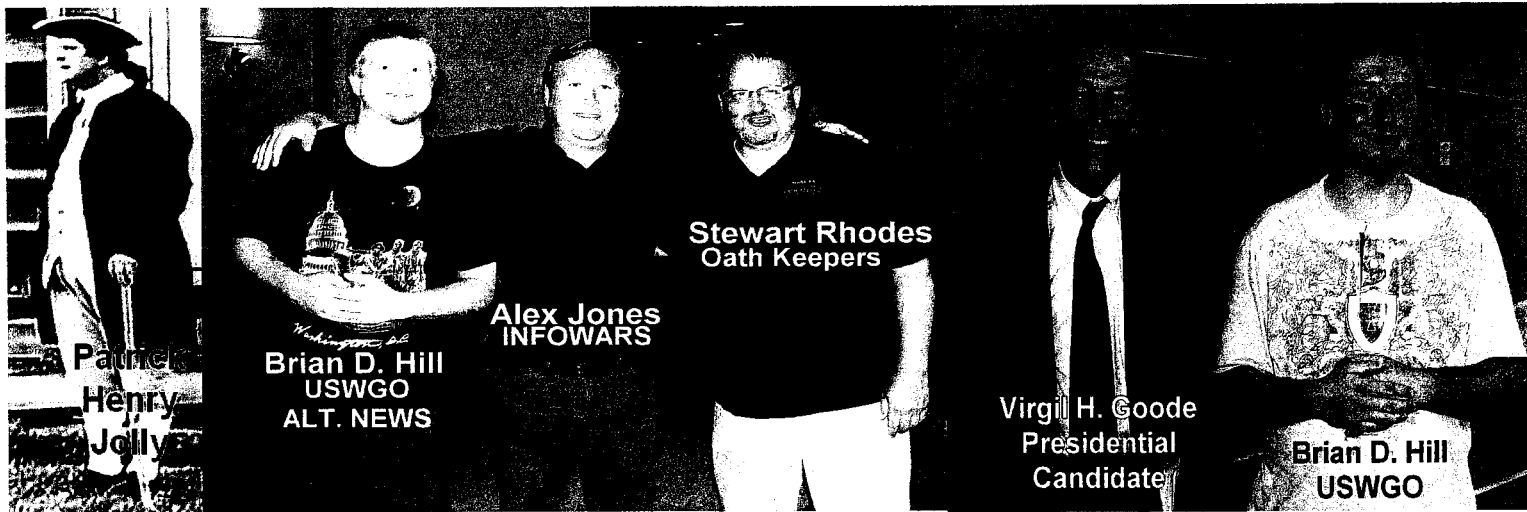
Who is Brian David Hill? Why does he sign his name as Brian D. Hill? Why does he refer to himself as Brian D. Hill. That is his style and refers to how he used to refer to himself when he was the Alternative News Reporter that founded USWGO Alternative News, the independent non-commercial hobby blog News and political activism organization that was ran from 2009-2012.

Before Brian D. Hill was set up with child pornography, he was a alternative news reporter making absolutely no money off his work. He did it to inform the people on the truth about corruption in the government. That the corruption wanted to do terrible things to poor people that included eugenics, torture, genocide, test subjects of non-consenting patients, and other horrors.

The last great work Brian ever did was conduct the Nullify-NDAA Petition in 2012 which even made www.infowars.com. Then it went even bigger. Brian did a FOIA request on the Homeland Security fusion center documents on surveillance on the alternative media. Then days after that Brian became famous throughout the alternative media community. Days later Brian was raided by the Mayodan Police and accused of downloading child pornography. The District Attorney that worked on whether to prosecute Brian Hill turned out to be the son of State Senator Phil Berger Sr.. Brian worked hard for the American people including protecting their rights so that they won't be falsely accused of terrorism then tortured while being refused a court trial. Instead Brian was falsely accused and framed on child pornography and his life forever changed from his risky life of being a news reporter to a possible sex offender. Brian stood up for people's rights at the Mayodan Town Council.



USWGO Alternative News was a great alternative news website in it's day. Started getting to the same level as ActivistPost, Infowars, maybe even DrudgeReport. USWGO had no ill intentions, and USWGO did what they could to report the truth in media and fight for Constitutional rights. USWGO interviewed Elton Crisman Jr. a former NASA engineer that worked on the Military Stealth Aircraft, Patrick Henry Jolly at Red Hill Plantation in Virginia, U.S. Presidential candidate Virgil H. Goode,



and others. Brian was suffering with Mild Autism, Type 1 brittle diabetes, OCD, General Anxiety Disorder, and Intermittent Explosive Disorder(Temper tantrums but working on it).

Brian sworn an Oath when he became a alternative news reporter, to tell the truth and nothing but the truth in his news reports on his news blog. It was Brian's hobby for years. Brian was absolutely against torture and did everything he could to protect people's rights, all the people's rights including children so that the future isn't a dark totalitarian mind-controlled society. Why would Brian be for exploitation of children? That is only what the Mayodan Police Department and others are attempting to assert as Brian's NEW character that he is being painted of in the District Court. Brian is nothing like the Mayodan/Reidsville Police, the U.S. Attorney, and the SBI believes he is. They are all wrong. Brian is against torture, against exploitation, and Brian is against eugenics. The child porn charge does not fit Brian D. Hill formerly of USWGO Alternative News at all. The only profile the criminal character fits is a fictitious made up character from a story book from hell. Of course Brian ain't perfect, he has his flaws, he likes Japanese women too much, and yes he does throw temper tantrums but is working on it. Brian isn't perfect but he is NOT a monster, he is NOT a child molester. Brian and his alternative media allies of Sean Justus of FederalJack.com, Alex Jones of Infowars.com, Eric Blair of ActivistPost.com, James Freeland of AgainstTheWall.info(We ran a radio show on the internet called Against The Wall with Jjink), Gregory Lance of We Are Change NC, and others are all against torture of any kind and against child porn. Even all my friends hate child porn and think it is yucky. How on earth can I be guilty of it when the only evidence is what the crime lab claim they found and a false confession induced by coercion and a threat. Despite all the hard work he does at USWGO Alternative News he suffers everyday with blood sugars shifting from high (300-600+ range) to low (20-69 range). He had difficult keeping his website up to date and usually did his own stuff which took a lot of time just to write one online article, and had difficulty keeping his website up due to different web hosting issues that usually resulted from every Distributed Denial of Service(DDoS) attacks done on his website weekly and/or monthly. Brian of course got a lot of hacker attacks even on his computer. Because of Brian's freedom of speech, he made a lot of enemies and some tried to do things to make Brian look bad. Brian made a lot of achievements but at a unfortunate cost of having his character assassinated by the criminal injustice system. Brian no longer wishes to be involved in politics. He just wants to beat his criminal charge so that he can be 100% free again.

*third threat email Proof
attached*

2

Conversation

dan

they would have already. I'm a thorn in their side as it is.

I'm not worried about me, nor Jeff him. I'm concerned about you, and just trying to tell you to watch your back. Which, on that note, here's the content of the emails.
Can you recognize this writing style?

brb

We.....Want.....Your.....Friend.....To.....SHUT.....UP.....AND.....STOP.....INVESTIGATING.....P
ORNGATE.....we.....demand.....you.....get.....him.....to.....STOP
You.....cannot.....save.....your.....friend.....from.....going.....to.....prison.....cause.....our.....org
anization.....has.....the.....resources.....to.....convict.....your.....little.....buddy.....you.....freak..
...hahaha
he.....will.....be.....a.....sex.....offender.....he.....will.....lose.....in.....trial.....court.....including.
.....pretrial.....and.....so.....will.....you.....on.....the.....NDAA.....loser
Obama.....and.....his.....minions.....is.....watching.....you...BEWARE

recognize that writing style?

Brian D. Hill's friend Dan Johnson received a threatening email stating that Brian will lose in trial court.